

## **REMARKS**

Claims 8, 10 and 11 are pending in this application. By this Amendment, claims 8 and 11 have been amended and claims 1-7, 9 and 12-13 have been canceled without prejudice. It is respectfully submitted that no new matter has been added.

### **I. CLAIM OBJECTIONS**

The examiner objected to claim 4 based upon a recitation having improper antecedent basis. Since claim 4 has been canceled, this objection is now moot.

### **II. 35 USC § 102 CLAIM REJECTION**

Claims 1-13 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,596,712 to Tsuyama et al., (hereinafter the '712 patent).

As previously mentioned, claims 1-7, 9 and 12-13 have been cancelled without prejudice, thus the above rejection to these claims are now moot.

The only remaining independent claim in this application are claims 8 and 11, which have each been amended to include the recitation: *applying said data to a plurality of filters wherein each filter is user configured to recognize a specific error in said machine*. Thus, the present invention utilizes user configured filters, each configured to recognize a specific fault for diagnosing proper, or improper, operation of a machine.

With regards to the '712 patent, it discloses "a fault tree . . . contain[ing] in the design specifications such as those of the structure and the characteristics of an apparatus or machine of concern . . ." See Col. 7, lines 41-50 of the '712 patent. It is submitted that a fault tree having "characteristics of an apparatus" does not anticipate the recited filters of independent claims 8 and 11.

Accordingly, independent claims 1 and 8, along with its depending claim (namely, claim 10) patentably distinguishes from the '712 patent and it is respectfully submitted removal of this rejection is warranted.



### III. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that pending claims 8, 10 and 11 are now in a condition for allowance and favorable action thereon is requested. If the Examiner should have any questions, he is kindly urged to contact the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher J. Capelli".

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